

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

SUTTER RANCH CORPORATION,                     )  
an Oklahoma corporation, and SUTTER         )  
RANCH MINERAL TRUST,                     )

Plaintiffs,                     )

vs.                     )

Case No. CIV-16-42-M

CABOT OIL & GAS CORPORATION,             )  
a Texas corporation, et al.,                     )

Defendants.                     )

**ORDER**

Before the Court is plaintiffs’ Motion to Remand, filed February 17, 2016. On March 9, 2016, defendants Cabot Oil & Gas Corporation (“Cabot”) and Apache Corporation filed their responses, and on April 7, 2016, defendants Lime Rock Resources II-A, L.P. (“Lime Rock”) and Lime Rock Resources Operating, Inc. filed their responses. On April 13, 2016, plaintiffs filed their reply. Additionally, pursuant to this Court’s April 28, 2016 Order, on May 19, 2016, plaintiffs filed a Notice to the Court Concerning Additional Jurisdictional Information, and Lime Rock filed a Supplemental Response to Plaintiffs’ Motion to Remand. On June 1, 2016, Cabot filed its objection and response to plaintiff’s notice, and on June 9, 2016, plaintiffs filed their response to Cabot’s objection and response. Based upon the parties’ submissions, the Court makes its determination.

On May 4, 2015, plaintiffs filed the instant action in the District Court of Ellis County, State of Oklahoma. On January 19, 2016, after defendant Chesapeake Operating, Inc. was dismissed and plaintiffs accepted the offer of judgment made by defendant Unit Petroleum Company, Cabot removed this action to this Court on the basis of diversity jurisdiction. Plaintiffs now move to remand this case back to state court, asserting that there is not complete diversity of the parties.

“Supreme Court precedent makes clear that in determining the citizenship of an unincorporated association for purposes of diversity, federal courts must include all the entities’ members.” *Siloam Springs Hotel, L.L.C. v. Century Surety Co.*, 781 F.3d 1233, 1237-38 (10th Cir. 2015). Further, the United States Supreme Court has recently held that the citizenship of a trust, in particular a business type trust, is the citizenship of all of its members, i.e., its beneficiaries. *See Americold Realty Trust v. Conagra Foods, Inc.*, 136 S. Ct. 1012 (2016).

One of the limited partners of defendant Lime Rock is MF Hope Venture II, LLC, which has an Illinois trust as a member and that trust has a beneficiary who is a citizen of Colorado. *See* Affidavit of Debra Sandefer at ¶ 4(b). Additionally, another limited partner of defendant Lime Rock is Cornelius Capital Partners, LP, which has two limited partners which are private trusts and one beneficiary of the trust(s) is a citizen of Colorado. *See* Second Affidavit of Debra Sandefer at ¶ 6. Further, Mrs. Rita Walker, who is both a trustee and beneficiary of plaintiff Sutter Ranch Mineral Trust, is a citizen of Colorado.<sup>1</sup> *See* Second Affidavit of Rita Walker. Because both a member of plaintiff Sutter Ranch Mineral Trust and a member of defendant Lime Rock are citizens of Colorado, the Court finds that there is not complete diversity of the parties in this case. The Court, therefore, finds that it does not have subject matter jurisdiction over this case.<sup>2</sup>

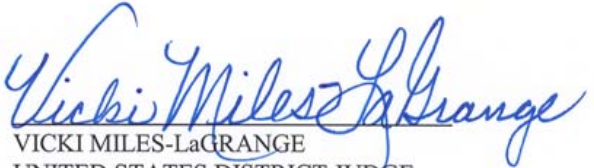
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<sup>1</sup>Mrs. Walker was a citizen of Colorado both at the time this case was filed in state court and at the time it was removed to this Court.

<sup>2</sup>On May 31, 2016, Cabot filed a Motion to Sever Claims Asserted by the Sutter Entities. Through that motion, Cabot is seeking to create complete diversity of the parties in this case. Because this Court does not have jurisdiction over this case, because Cabot did not raise the issue of severing claims in its Notice of Removal, and because the state court previously denied a similar motion to sever filed by Cabot, the Court finds it would be inappropriate to address Cabot’s motion to sever claims.

Accordingly, the Court GRANTS plaintiffs' Motion to Remand [docket no. 24] and REMANDS this action to the District Court for Ellis County, State of Oklahoma.

**IT IS SO ORDERED this 19th day of July, 2016.**



VICKI MILES-LaGRANGE  
UNITED STATES DISTRICT JUDGE